

February 7, 2003

CHAIR
PETER HERZOG
COUNCILMAN
CITY OF LAKE FOREST

VICE CHAIR
ARLENE SCHAFER
DIRECTOR
COSTA MESA
SANITARY DISTRICT

RANDAL J. BRESSETTE
COUNCILMAN
CITY OF LAGUNA HILLS

CYNTHIA P. COAD
SUPERVISOR
FOURTH DISTRICT

CHARLES V. SMITH
SUPERVISOR
FIRST DISTRICT

SUSAN WILSON
REPRESENTATIVE OF
GENERAL PUBLIC

JOHN B. WITHERS
DIRECTOR
IRVINE RANCH WATER
DISTRICT

ALTERNATE
ROBERT BOUER
MAYOR
CITY OF LAGUNA WOODS

ALTERNATE
RHONDA McCUNE
REPRESENTATIVE OF
GENERAL PUBLIC

ALTERNATE
JAMES W. SILVA
SUPERVISOR
SECOND DISTRICT

ALTERNATE
CHARLEY WILSON
DIRECTOR
SANTA MARGARITA
WATER DISTRICT

DANA M. SMITH
EXECUTIVE OFFICER

TO: Local Agency Formation Commission

FROM: Executive Officer
Policy Analyst

SUBJECT: Proposed "Planning Area 8A Annexation to the City of Irvine"
(CA 01-23)

APPLICANT

The Irvine Company, by landowner petition

PROPOSAL

The Irvine Company ("TIC") has filed an application with LAFCO to annex approximately 77.6 acres of uninhabited, unincorporated territory to the City of Irvine. The territory is located in Irvine's sphere of influence and is proposed to be developed by TIC as single-family residential with approximately 400 homes. Annexation of the area will allow for planning and development of the property in the City's jurisdiction and facilitate the extension of City municipal services to the proposed residences.

The City is currently in the process of developing new long-range land use plans for what is commonly referred to as the Irvine Northern Sphere Area. Planning Area 8A is located in that Northern Sphere but is also located immediately adjacent to and associated with an existing residential neighborhood in the City known as the Northwood development. Annexation and development of Planning Area 8A in the City will complete the final portion of the Northwood development.

LOCATION

The property proposed for annexation is located north and east of the City of Irvine within the City's sphere of influence. It is generally bound by Jeffrey Road to the east, Trabuco Road to the south, Bryan Avenue to the north and the existing Northwood residential development to the west. (Please see attached vicinity map, Exhibit 1.)

LAND USE

The City has pre-zoned the area as Medium Density Residential and amended the General Plan designating the area as Residential. Existing surrounding land uses include commercial uses to the north and south, agricultural uses to the east and low-density residential development to the west.

REGIONAL HOUSING NEEDS ASSESSMENT (RHNA) ALLOCATION TRANSFER

Staff has made several contacts with both the City and County over the past two months to solicit agreement on a RHNA transfer. The two parties are currently in discussions on the issue; however, no agreement has been reached at this time. In anticipation of an agreement between the City and County on a RHNA transfer, staff is recommending that recordation of the annexation be conditioned on submission of an agreement to LAFCO.

ENVIRONMENTAL REVIEW

On June 4, 2002, the City of Irvine adopted a Program Environmental Impact Report (PEIR) for the Northern Sphere Area which addresses the proposed Planning Area 8A annexation to the City of Irvine and related zone change and General Plan amendments pursuant to the California Environmental Quality Act (CEQA). The Commission, as a responsible agency, may utilize this documentation in its consideration of the proposed annexation. The Findings of Facts and Statement of Overriding Considerations are attached to this report. The PEIR is available in the LAFCO office for Commission review.

PROPERTY TAX

Property tax resolutions have been adopted by the City of Irvine and County of Orange in accordance with their Master Property Tax Exchange Agreement adopted on October 28, 1980.

STAFF RECOMMENDATION:

Staff recommends that the Commission:

1. Make findings pursuant to State CEQA Guidelines §15096(g)(2) and §15096(h), that the Commission has considered the Program EIR prepared by the City of Irvine for the Northern Sphere Area, and that it did not find any feasible alternative or feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect the project would have on the environment, and that it has considered findings (attached) made by the City of Irvine for the Northern Sphere Area Program EIR pursuant §§15091 and 15093, incorporated herein by this reference, adopted by the Commission as though fully set forth herein.
2. Adopt the form of resolution approving the "Planning Area 8A Annexation to the City of Irvine" (CA 01-23) and waive conducting authority proceedings pursuant to Government Code Section 56663. The approval is subject to the following terms and conditions:
 - a) Payment of Recorder and State Board of Equalization fees.
 - b) Prior to the issuance of the Certificate of Completion by the Executive Officer, the City shall adopt a resolution adopting the areas of benefit designated below and agreeing to participate in the applicable Major Thoroughfare and Bridge Fee Programs including: collecting fees as required by the fee programs and depositing said fees together with earned interest on a quarterly basis with the Transportation Corridor Agency (TCA) or County, as applicable.

- c) Upon the effective date of annexation, the City shall assume ownership and maintenance responsibilities for all drainage devices, storm drain channels and appurtenant facilities, site drainage, and all master plan storm drain facilities that are operated and maintained by the County of Orange within the annexation area.
- d) The City shall accept and adopt the County's Master Plan of Drainage (MPD) in effect within its boundaries. Any deviation from the MPD shall be submitted to the OCFCD for review of conformity with the General Plans of the OCFCD and County of Orange.
- e) The City shall be responsible for the administration of floodplain zoning and Federal Emergency Management Agency (FEMA) floodplain regulations.
- f) The City shall coordinate development adjacent to any existing flood control facilities, for which OCFCD has a recorded flood control easement or owns fee interest, by submitting plans and specifications to the Manager, Program Development Division of the County Public Facilities and Resources Department, for review, to ensure necessary flood control right-of-way and improvements are provided, and to ensure that improvements comply with standards and engineering criteria of OCFCD.
- g) Upon annexation of the territory to the city, all right, title, and interest of the county, including the underlying fee where owned by the county in any and all storm drains, trails, public roads, adjacent slopes, medians landscaped areas, street lights, traffic signals, open space, local parks and bridges shall vest in the city. The city shall assume ownership and maintenance responsibility upon the issuance of the certificate of completion by the executive officer.
- h) Prior to recordation, the City and the County shall submit to LAFCO an agreement for a RHNA allocation transfer.
- i) The applicant agrees to defend, hold harmless and indemnify LAFCO and/or its agents, officers and employees from any claim, action or proceeding against LAFCO and/or its agents, officers and employees to attack, set aside, void or annul the approval of LAFCO concerning this proposal or any action relating to or arising out of such approval.
- j) The effective date shall be the date of recordation.

Respectfully submitted,

DANA M. SMITH

KIM KOEPPEN

Attachments: Exhibit 1, Vicinity Map
Findings of Facts/Statement of Overriding Considerations